



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,806	12/29/2000	Min Zhu	M-8859 US	5229
7590	05/12/2004		EXAMINER	
Philip W. Woo SIDLEY AUSTIN BROWN & WOOD LLP 555 California St. Suite 5000 San Francisco, CA 94104-1715			YUSSUF, SAJID	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 05/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

10

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/751,806	ZHU ET AL.	
Examiner	Art Unit		
Sajid A Yussuf	2141		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12/29/2000-03/26/2004.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5,9 8/20/01.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Objections***

2. Claims 6, 12, 18 objected to because of the following informalities:
  - a. As per claim 6,12,18 Lines 31,5,14 "in" is not used in proper context, Examiner suggests Applicant change the wording to recite "is."

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. ***Claim(s) 1-18 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Salesky et al. (US Patent No. 6,343,313 and Salesky hereinafter)***

6. As per claim(s) 1, 7, 13 Salesky discloses a plurality of server computers connected to a plurality of client computers via a global-area computer network, (See Column 3 Lines 15-23); a high-speed direct connection link connecting the plurality of server computers, (See Column 1 Lines

20-34); and a computer program executable by the server computers, wherein the computer program comprises computer instructions for: conducting an on-line conference among an arbitrary number of the client computers connected to an arbitrary number of the server computers over the global-area network and the high-speed direct connection link, (See Column 1 Line 55 through Column 2 Line 39); and sharing an application program executed on one of the client computers on an arbitrary number of other client computers, (See Column 7 Lines 10-20).

7. As per claim(s) 2, 8, 14 Salesky teaches the claimed invention as described in claim(s) 1,7,13 above and furthermore discloses the computer program further comprises computer instructions for: spawning one or more processes on the server computers controlling the execution of the shared application program; monitoring the operational status of the spawned processes; and spawning a new process in the event failure of a spawned process is detected, (See Column 18 Lines 12-26).

8. As per claim(s) 3, 9, 15 Salesky teaches the claimed invention as described in claim(s) 1-2, 7-8, 13-14 above and furthermore discloses the computer program further comprises computer instructions for: viewing a document stored on one of the client computers on an arbitrary number of other client computers, (See Column 31 Lines 1-11).

9. As per claim(s) 4, 10, 16 Salesky teaches the claimed invention as described in claim(s) 1-3, 7-9, 13-15 above and furthermore discloses the computer program further comprises computer instructions for: detecting a failure of one of the server computers handling the on-line conference; disconnecting the failed server computer from the on-line conference; connecting another of the server computers to the conference; and resuming the on-line conference, (See Column 5 Line 66 through Column 27 Line 24).

10. As per claim(s) 5, 11, 17 Salesky teaches the claimed invention as described in claim(s) 1-4, 7-10, 13-16 above and furthermore discloses a database, wherein the computer program further

comprises computer instructions for: storing information about the status of the on-line conference in the database, (See Column 27 Lines 25-45).

11. As per claim(s) 6, 12, 18 Salesky teaches the claimed invention as described in claim(s) 1-5, 7-11, 13-17 above and furthermore discloses the computer program further comprises computer instructions for: ensuring that a maximum number of authorized conference participants is not exceeded, (i.e., server managers), (See Column 32 Lines 6-38).

**Conclusion**

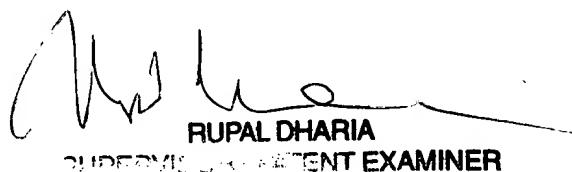
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajid A Yussuf whose telephone number is (703) 305-8752. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM and Alternate Fridays.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

---

Sajid Yussuf  
Patent Examiner  
Technology center 2100  
6 May 2004



RUPAL DHARIA  
SUPPLY CHAIN PATENT EXAMINER